

Message Text

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ACTION EA-10

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FM USLO PEKING

TO SECSTATE WASHDC PRIORITY 3109

INFO AMEMBASSY TOKYO

AMEMBASSY TAIPEI

AMCONSUL HONG KONG

CINCPAC

AMCONSUL KARACHI

C O N F I D E N T I A L PEKING 0095

CINCPAC FOR POLAD

KARACHI FOR AMBASSADOR BUSH

E.O. 11652: GDS

TAGS: PINT, CH

SUBJECT: NEW PRC CONSTITUTION AND CHANG CHUN-CHIAO'S REPORT

REF: PEKING 0094

1. ON EVENING OF JANUARY 19 PRC RELEASED THE TEXT OF THE NEW
CONSTITUTION AND THE REPORT DELIVERED BY CHANG CHUN-CHIAO JANUARY 13.
THE CONSTITUTION IS A REVISED VERSION OF THE 1970 DRAFT CONSTITUTION
PLUS
A NEW PREAMBLE. LIKE THE 1970 DRAFT WHICH WAS SURFACED BY TAIWAN
SOURCES, THE NEW CONSTITUTION IS MUCH BRIEFER (30 ARTICLES IN CONTRAST
TO 106 IN THE 1954 CONSTITUTION), LONGER ON EXHORTATION AND
SHORTER ON SPECIFICS.

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2. THE MAJOR INNOVATION IN THIS CONSTITUTION IS THE ELIMINATION OF

THE POSTS OF CHAIRMAN AND VICE CHAIRMAN OF THE PEOPLE'S REPUBLIC OF CHINA, A MOVE ADVOCATED BY CHAIRMAN MAO AND THE SUBJECT OF APPARENT DEBATE OVER THE PAST YEAR. PARALLELING THIS MOVE, THE CHAIRMAN OF THE COMMUNIST PARTY OF CHINA IS NAMED COMMANDER IN CHIEF OF THE ARMED FORCES OF CHINA. THIS STEP IS SEEN LESS AN EFFORT TO PLACE THE MILITARY DIRECTLY UNDER THE CONTROL OF MAO THAN AN EFFORT TO STRENGTHEN PARTY CONTROL OVER THE MILITARY THROUGH THE MILITARY AFFAIRS COMMISSION.

3. THE CHANGING NATURE OF THE PEOPLE'S REPUBLIC OF CHINA AS REFLECTED IN THE DIFFERENCES BETWEEN THE ARTICLE ONE OF THIS

AND THE OLD 1954 CONSTITUTION. WHEREAS IN 1954 THE PRC WAS DESCRIBED AS "A PEOPLE'S DEMOCRATIC STATE" IT IS NOW CHARACTERIZED AS "A SOCIALIST STATE OF THE DICTATORSHIP OF THE PROLETARIAT." THE NEW CONSTITUTION MAKES PERMANENT REVOLUTIONARY COMMITTEES A ALL LEVELS OF GOVERNMENT. ELECTION TO THE REVOLUTIONARY COMMITTEES IS BY THE PEOPLE'S CONGRESS AT THE CORRESPONDING LEVEL, BUT IN COLLTRAST TO THE 1970 DRAFT, THESE ELECTIONS ARE SUBJECT TO REVIEW BY THE NEXT HIGHER LEVEL ORGAN OF GOVERNMENT, MAKING CONTROL OF THE COMPOSITION OF REVOLUTIONARY COMMITTEES A GOOD BIT STRONGER.

4. THE NEW CONSTITUION RETAINS THE SUPREME PEOPLE'S COURT AND LOCAL PEOPLE'S COURTS, BOTH OF WHICH ARE RESPONSIBLE TO CORRESPONDING PEOPLE'S CONGRESSES. IN AN INTERESING VARIATION OF THE 1970 DRAFT CONSTITUION, ARTICLE 25 DEALING WITH JUDICIAL AND PROCURATORIAL ORGANS STATES, "THE FUNCTIONS AND POWERS OF PROCURATORIAL OGGANS ARE EXERCISED BY THE ORGANS OF PUBLIC SECURITY AT VARIOUS LEVELS." SINCE THE POWERS OF THEIR CURATORATES CAN INCLUDE

EVERYTHING FROM INSURING THAT LAWS ARE ENFORCED TO INVESTIGATING STATE AGENCIES, IT IS POSSIBLE THAT MAJOR NEW POWERS WILL BE PLACED IN THE HANDS OF THE PUBLIC SECURITY BUREAU AND ITS NEW MINISTER HUA KUO-FENG.

5. ON THE ECONOMIC SIDE, THE NEW CONSTITUION STRIKES US AS MODERATE. PRIVATE PLOTS ARE SPECIFICALLY ENDORSED, AND AGAIN IN CONTRAST WITH THE 1970 DRAFT CONSTITUTON, IN SPEAKING OF THE ECONOMY THE NEW CONSTITUTION REFERS TO "TAKING AGRICULTURE AS THE FOUNDATION AND CONFIDENTIAL

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INDUSTRY AS THE LEADING FACTOR." THE PRODUCTION TEAM IS REAFFIRMED AS THE BASIC ACCOUNTING UNIT, AND BASIC PRINCIPLE FOR COMPENSATION IS "FROM EACH ACCORDING TO HIS ABILITY TO EACH ACCORDING TO HIS WORK."

6. THE EMPHASIS IS NOT TOTALLY ON LAW AND ORDER, HOWEVER, AND CHANG CHUN CHIAO, IN HIS REPORT ON THE DRAFT CONSTITUTION STATED, "IN SOME ENTERPRISES, THE FORM IS THA OF SOCIALIST

OWNERSHIP, BUT THE REALITY IS THAT THEIR LEADERSHIP IS NOT IN

THE HANDS OF MARXISTS AND MASSES OF WORKERS." THE CONSTITUTION SPECIFICALLY ENDORSES THE "FOUR BIGS" (I.E. "SPEAKING OUT FREELY, AIRING VIEWS FULLY, HOLDING GREAT DEBATES AND WRITING BIG CHARACTER POSTERS) AND GUARANTEES THE RIGHT OF THE PEOPLE TO LODGE WRITTEN OR ORAL COMPLAINTS AGAINST ANY PERSON OR ORGAN OF STATE ADDING THAT "NO ONE SHALL ATTEMPT TO HINDER OR OBSTRUCT THE MAKING OF SUCH COMPLAINTS OR RETALIATE".

7. COMMENT: AFTER FIVE YEARS OF DEBATE AND CONTROVERSY, THE CONSTITUTION

DRAFTED IN 1970 HAS EMERGED AS LAW WITH RELATIVELY FEW CHANGES EXCEPT FOR THE OBVIOUS NECESSITY TO DROP REFERENCES TO MAO'S ROLE AND THAT OF HIS "CLOSEST COMRADE IN ARMS, LIN PIAO." THE RIGHTS OF THE REVOLUTIONARY MASSES ARE GUARANTEED, AND WE COULD EXPECT THAT THE REGIME WILL SEEK SOME FLEXIBILITY IN PERMITTING VOICES OF DISSENTION TO

SPEAK OUT. WITH THE NEW POWER LINE-UP, HOWEVER, IT WILL LIKELY BE IN A VERY CONTROLLED AND CAREFULLY CIRCUMSCRIBED FASHION.
HOLDRIDGE

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